

OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-39

Complaint Case No: CCR.27/2013

Complainant : Md. Salim Uddin Choudhury

Public Authority: District Transport Officer, Cachar, Silchar

Heard by: Shri Himangshu Sekhar Das,
Assam State Chief Information Commr.

Complainant was
Represented by: Md. Salim Uddin Choudhury

Public Authority was
represented by: Sri Kaitavjit Buragohain, Enforcement Inspector
DTO Office, Silchar .

O R D E R
7.4.2015

The appellant Md. Salim Uddin Choudhury is present. The Public authority is represented by Shri Kaitavjit Buragohain, Enforcement Inspector, Silchar as authorised by the DTO, Cachar, Silchar vide his letter dtd. 1.4.15. The second appeal dtd 4.2.13 is taken up for hearing in presence of both the parties.

The brief of the case is that the applicant Md. Salim Uddin Choudhury filed an application under RTI Act, 2005 on 31.10.12 addressed to the DTO, Cachar seeking information on different matters falling under the jurisdiction of DTO, Cachar. On 17.11.12 the DTO, Cachar wrote to the applicant asking him to deposit an amount of Rs. 5000.00 (five thousand) towards the cost of photocopying of the documents.

The applicant filed his first appeal petition before the Commissioner of Transport, Assam on 29.11.12 referring to DTO's letter dtd 17.11.12 and complained about non-furnishing of break-up of Rs. 5000.00 and he requested action to be taken against the person responsible for this. The Commission is of the view that before moving the first appellate authority it should have been appropriate on the part of the applicant to ask the SPIO in the DTO office to furnish the break-up to satisfy himself about the reasonableness of the cost of getting photocopies or xerox of the documents.

It is seen that the first appeal petition was sent by the office of the Commissioner, Transport, Assam on 6.12.12 asking for the comments of the DTO, Cachar. As per the case records, there is no evidence of any further action taken by the DTO, Cachar either on the RTI application or on the direction of the commissioner of Transport.

The DTO, Cachar made a written submission dtd 1.4.15 through his authorised representative Shri Kaitavjit Buragohain who represented before the Commission today, which is entered into the case records.

From the above narration of the facts and circumstances, the commission is of the opinion that there have been lapses on the part of the office of the DTO, Cachar, Silchar. The Commission, therefore, directs the SPIO in the office of the DTO, Cachar, Silchar to furnish the required information free of cost because required information was not

provided within the stipulated period of 30 (thirty) days, to the applicant Md Salim Uddin Choudhury within 15 (fifteen) days from the date of receipt of this order.

The SPIO/SPIOs dealing with the matter from 31.10.12 till today are also required to show cause as to why penalty shall not be imposed on them u/s 20 of the RTI Act, 2005.

Issue notices on them through DTO, Cachar, Silchar. Their written submission to reach the office of the Commission within 30 (thirty) days from the date of receipt of this order.

(H. S. Das)
Assam State Chief Information Commissioner,
Panjabari, Guwahati

Authenticated true copy.

Secretary & Registrar
Assam State Information Commn.

Memo No. CCR.27/2013/

Dtd. 07.4.2015

Copy to:

1. The District Transport Officer, Cachar, Silchar for information and necessary action.
1. The SPIO in the office of the DTO, Cachar, Silchar for information and necessary action.
3. Md. Salim Uddin Choudhury, Vill- Karaikandi Pt. II, PO- Rajartila, District- Cachar, Assam, PIN- 788805 for information
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission